

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JON PATTERSON and JON PATTERSON, LLC,

Plaintiffs,

-v-

OAT MCGRATH COSMETICS, LLC d/b/a PAT
MCGRATH LABS,

Defendant.

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24 Civ. 4025 (JPC)

ORDER OF DISMISSAL

JOHN P. CRONAN, United States District Judge:

On September 3, 2024, the Court notified Plaintiffs of their apparent failure to comply with the service deadline in Federal Rule of Civil Procedure 4(m), and ordered Plaintiffs to file a status letter and, if Defendants were served, proof of service. Dkt. 8. In their status letter, dated September 4, 2024, Plaintiffs informed the Court that the parties have reached a settlement in principle in this case, and they asked the Court to hold in abeyance the requirement of perfected service until all settlement payments had been made. Dkt. 9. The Court held in abeyance the requirement of perfected service until September 25, 2024, and informed Plaintiffs that the Court would dismiss this action without prejudice if dismissal paperwork or an affirmation confirming service was not filed by that date. Dkt. 10. The docket does not reflect either an affirmation confirming service or dismissal paperwork.

Accordingly, it is ordered that this action is dismissed without costs and without prejudice to restoring the action to the Court's calendar, provided the application to restore the action is made within thirty days of this Order in the event the settlement agreement is not completed and executed. Any such application filed after thirty days from the date of this Order may be denied solely on that basis. If the parties wish for the Court to retain jurisdiction for the purposes of

enforcing any settlement agreement, they must submit the settlement agreement to the Court by the deadline to reopen to be “so ordered” by the Court. Pursuant to 3.G of the Court’s Individual Rules and Practices for Civil Cases, unless the Court orders otherwise, the Court will not retain jurisdiction to enforce a settlement agreement unless it is made part of the public record. Any pending motions are moot. All conferences are canceled. The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

Dated: September 26, 2024
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", is written above a horizontal line.

JOHN P. CRONAN
United States District Judge